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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,782	09/28/2001	Royce D. Jordan JR.	010564	3405
38823	7590	12/02/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			NAWAZ, ASAD M	
		ART UNIT		PAPER NUMBER
		2155		
DATE MAILED: 12/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,782	JORDAN, ROYCE D.	
	Examiner	Art Unit	
	Asad M. Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

1. This action is responsive to the amendment filed on September 16, 2005. No claims have been amended, canceled, or newly added. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 7-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (US Patent No. 6,628,935) further in view of Thorne (US Patent No 5,958,005).

As to claim 1, Lawrence teaches an apparatus for sending a message to a wireless device over a wireless network, the apparatus comprising: a gateway for receiving the message transmitted over an external network in communication with the gateway. (Abstract; Fig 1; col 3, lines 1-20; col 6, lines 16-56)

However, Lawrence does not explicitly indicate the message including a deletion instruction to delete the message if the message not delivered to the wireless device,

for attempting to deliver the message to the wireless device over the wireless network, and for carrying out the deletion instruction by deleting the message.

Thorne teaches the message including a deletion instruction to delete the message if the message not delivered to the wireless device, for attempting to deliver the message to the wireless device over the wireless network, and for carrying out the deletion instruction by deleting the message. (Abstract; Figs 3 and 4, col 3, lines 12-35, col 4 lines 62-67, col 8, lines 10-20)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Thorne into those of Lawrence to increase usability. Including the instruction within the message would assist in specifying which messages are to be deleted rather than deleting all messages, regardless of their importance.

Claims 11, 12, 13, and 19 contain similar limitations as claim 1 above and are thus rejected under similar rationale.

As to claim 2, Lawrence teaches the apparatus of claim 1, wherein the gateway transmits the message over the external network when the deletion instruction is carried out.(col 1, lines 16-32; col 3, lines 1-20)

Claim 14 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 3, Lawrence teaches the apparatus of claim 1, wherein the gateway comprises a database for storing the message. (col 3, lines 34-61)

As to claim 4, Lawrence teaches the apparatus of claim 3, wherein the database has a directory structure for associating the wireless device with the message. (col 3, lines 34-61)

As to claim 5, Lawrence teaches the apparatus of claim 1, wherein the message is a text message.(col 1, lines 16-32)

As to claim 7, Lawrence teaches the apparatus of claim 1, wherein the deletion instruction is in a header of the message.(col 3, lines 6-34)

Claim 17 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 8, Lawrence teaches the apparatus of claim 1, wherein the external network is the Internet.(col 1, lines 15-32)

As to claim 9, Lawrence teaches the apparatus of claim 1, wherein the wireless device is a pager.(col 1, line s15-32; col 3, lines 1-20)

As to claim 10, Lawrence teaches the apparatus of claim 1, wherein the gateway attempts to deliver the message to the wireless device over the wireless network at a predetermined time.(col 6, liens 16-56)

Claim 18 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 20, Lawrence teaches the method of claim 19 wherein the message is deleted if the wireless device is not presently capable of receiving the message. (abstract; col 2, lines 18-34)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (US Patent No. 6,628,935) as applied to claims 1 and 14 above, and further in view of Hung (US Patent No 6,772,143).

As to claim 6, Lawrence teaches the apparatus of claim 5. However, Lawrence does not explicitly indicate that the instructions are contained in the text message.

Hung teaches the management of text messages on wireless devices, such as pagers, over Internet communications. Furthermore, a communication terminal, upon receipt of a message, may parse the received message for specific instructions/keywords. (col 1, lines 13-56; col 2, line 45)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Hung into those of Lawrence to make the system more manageable. The sheer number of messages a user may receive with the advent and progress of innovative technology may overwhelm them. Also, the sender's and the receiver's system may or may not be standardized/proprietary. Thus the content of the messages may take many forms. It would be advantageous to provide a method for uniformly managing these messages.(Hung: col 1, lines 13-24; col 2, lines 10-23)

Claim 16 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues that Lawrence in view of Thorne do not disclose a "message including a deletion instruction to delete the message if the message is not delivered to the wireless device...". Furthermore, the applicant argues that Thorne discloses the deletion of messages based on expirations of time but not in response to non-delivery.

7. In response to the applicant's arguments, the measure of non-delivery of messages is a direct function of time. Without a threshold, the message could possibly be pending for an infinite period of time. Therefore, the expiration instruction is a form of non-delivery in that if the message has not been delivered before a predetermined time period, the message is marked as non-delivered and thus deleted.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMN


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER